

CLOVES CAMPBELL SUBSTITUTE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2841

I move the following SUBSTITUTE amendment to the HOMELAND SECURITY AND PROPERTY RIGHTS Committee Amendment to
HOUSE BILL 2841 (Reference to printed bill)

Page 1, between lines 1 and 2, insert:

"Section 1. Section 33-1227, Arizona Revised Statutes, is amended to read:

33-1227. Amendment of declaration

~~A. Except in cases of amendments that may be executed by a declarant under section 33-1220, by the association under section 33-1206 or section 33-1216, subsection D, or by certain unit owners under section 33-1218, subsection B, section 33-1222, section 33-1223 or section 33-1228, subsection B, and except to the extent permitted or required by other provisions of this chapter, the declaration, including the plat, may be amended only by a vote of the unit owners to which at least sixty-seven per cent of the votes in the association are allocated, or any larger majority the declaration specifies. The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential use. The declaration may also provide that the consent of the declarant is required to an amendment during any period of declarant control pursuant to section 33-1243. Within thirty days after the adoption of any amendment pursuant to this subsection, the association shall prepare, execute and record a written instrument setting forth the amendment.~~

~~B.~~ A. An action to challenge the validity of an amendment adopted by the association pursuant to this section **OR SECTION 33-1263** shall not be brought more than one year after the amendment is recorded.

~~C.~~ B. An amendment to the declaration shall be recorded in each county in which any portion of the condominium is located and is effective only on recordation in the same manner as required for the declaration under section 33-1211.

~~D.~~ C. Except to the extent expressly permitted or required by other provisions of this chapter, an amendment shall not create or increase special declarant rights, increase the number of units or change the boundaries of any unit, the allocated interests of a unit or the uses to which any unit is restricted, in the absence of unanimous consent of the unit owners.

~~E.~~ D. An amendment shall not terminate or decrease any unexpired development right, special declarant right or period of declarant control unless the declarant approves.

~~F.~~ E. Amendments to the declaration required by this chapter to be executed by the association shall be executed on behalf of the association by any officer of the association designated for that purpose or, in the absence of designation, by the president of the association."

Renumber to conform

Page 1, line 3, strike "section" insert "sections"; after "33-1262" insert "and 33-1263"

Line 5, before "NOTWITHSTANDING" insert "AFTER THE PERIOD OF DECLARANT CONTROL AND"

Line 8, strike "BYLAW, RULE OR PROCEDURE FOR THE CONDOMINIUM" insert "PROVISION OF THE CONDOMINIUM DOCUMENTS"; after the period insert "THE PROPOSED MEASURE SHALL CONTAIN ONLY ONE PROPOSAL SO THAT THOSE PERSONS VOTING ON THE MEASURE MAY VOTE FOR OR AGAINST EACH MEASURE SEPARATELY."

Line 13, strike the period insert "AND"

Line 14, strike "BYLAW, RULE OR OTHER MEASURE" insert "PROVISION OF THE CONDOMINIUM DOCUMENTS"

Line 21, strike "BYLAW, RULE OR OTHER MEASURE" insert "PROVISION OF THE CONDOMINIUM DOCUMENTS"

Line 23, strike "SPECIAL ELECTION" insert "MEETING"

Page 1, line 30, strike "IN ORDER TO BE VALID" insert "BEFORE CIRCULATING AN INITIATIVE PETITION FOR SIGNATURES, A PROPONENT OF THE MEASURE SHALL SUBMIT A COPY OF THE MEASURE TO THE BOARD OF DIRECTORS OF THE ASSOCIATION. THE BOARD SHALL RESPOND TO THE PROPONENT IN WRITING WITHIN FIFTEEN BUSINESS DAYS AFTER RECEIPT OF THE MEASURE AS TO WHETHER THE BOARD WILL SUBMIT THE MEASURE OF ITS

OWN ACCORD TO THE UNIT OWNERS. IF THE BOARD CHOOSES TO SUBMIT THE MEASURE TO THE UNIT OWNERS WITHOUT REQUIRING COMPLIANCE WITH THE PETITION PROCESS IN THIS SECTION, THE MEASURE SHALL BE SUBMITTED WITHIN THE TIME PERIODS PRESCRIBED IN THIS SECTION AND VOTED ON PURSUANT TO SECTION 33-1263. IF THE BOARD DECLINES TO SUBMIT THE MEASURE TO THE UNIT OWNERS WITHOUT REQUIRING COMPLIANCE WITH THE PETITION SUBMITTAL REQUIREMENTS BECAUSE THE MEASURE VIOLATES THE LAW OR CONFLICTS WITH A CONDOMINIUM DOCUMENT WITH HIGHER LEGAL AUTHORITY THAN THE PROPOSED MEASURE, THE BOARD SHALL STATE THAT REASON IN ITS RESPONSE TO THE PROPONENT.

4. UNLESS THE CONDOMINIUM DOCUMENTS PROVIDE FOR A SMALLER PERCENTAGE OR SMALLER NUMBER THAT IS NO LOWER THAN A MAJORITY OF THOSE ELIGIBLE TO SIGN"

Renumber to conform

Line 31, strike "TEN" insert "TWENTY"; after "ASSOCIATION" insert "BUT NO FEWER THAN FIVE UNIT OWNERS"

Line 33, after the period insert "NEITHER THE BOARD OF DIRECTORS NOR THE UNIT OWNERS MAY ADOPT AN INITIATIVE SIGNATURE REQUIREMENT THAT IS GREATER THAN THAT PRESCRIBED BY THIS PARAGRAPH."

Line 34, after "PETITIONERS" insert "SHALL CIRCULATE THE PETITION FOR SIGNATURES AND ON COMPLETION OF SIGNATURE GATHERING"

Line 35, strike "SIX"

Line 36, strike "MONTHS" insert "ONE HUNDRED TWENTY DAYS"; strike "EARLIEST SIGNATURE ON THAT PETITION" insert "WRITTEN NOTIFICATION FROM THE BOARD TO THE PROPONENT"

Line 38, after the second "BOARD" insert "WITHIN THIRTY DAYS AFTER RECEIPT OF THE SIGNED PETITIONS"

Line 40, strike "SHALL" insert "MAY"; after "MEETING" insert "OF THE BOARD"

Page 2, strike lines 6 and 7, insert "ANNUAL MEETING OF THE UNIT OWNERS OF THE ASSOCIATION IF THE ANNUAL MEETING MAY BE SCHEDULED AND HELD LAWFULLY NO EARLIER THAN SEVENTY-FIVE DAYS AFTER THE DATE THE SIGNATURES ARE VALIDATED AND NO LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE DATE THE SIGNATURES ARE VALIDATED. IF THE ANNUAL MEETING CANNOT BE SCHEDULED AND HELD LAWFULLY WITHIN THAT TIME LIMIT, THE BOARD SHALL SCHEDULE AND HOLD A SPECIAL MEETING

1 OF THE UNIT OWNERS WITHIN THAT TIME LIMIT TO VOTE ON THE MEASURE UNLESS
2 OTHERWISE AGREED TO BY THE PROPONENT AND THE BOARD. THIS SECTION DOES NOT
3 REQUIRE THE BOARD TO SUBMIT A PETITION TO THE UNIT OWNERS THAT IS IN
4 VIOLATION OF THE LAW OR THAT IS IN CONFLICT WITH A CONDOMINIUM DOCUMENT WITH
5 HIGHER AUTHORITY."

6 Strike lines 11, 12 and 13, insert:

7 "33-1263. Amendments to condominium documents; quorum; limitations

8 A. AFTER THE PERIOD OF DECLARANT CONTROL AND NOTWITHSTANDING ANY
9 PROVISION IN THE CONDOMINIUM DOCUMENTS, THE UNIT OWNERS MAY AMEND THE
10 CONDOMINIUM DOCUMENTS BY A VOTE OF AT LEAST TWO-THIRDS OF THOSE VOTING ON THE
11 MEASURE, EXCEPT THAT IF THE CONDOMINIUM DOCUMENTS PROVIDE FOR A SMALLER
12 PERCENTAGE THAT IS AT LEAST FIFTY PER CENT OF THOSE VOTING, THE SMALLER
13 PERCENTAGE APPLIES. FOR ANY CONDOMINIUM WITH A DECLARATION AMENDMENT
14 REQUIREMENT OF MORE THAN A TWO-THIRDS VOTE, THE CONDOMINIUM BY A VOTE OF THE
15 UNIT OWNERS OR OTHERWISE MAY NOT SUBSEQUENTLY ADOPT A DECLARATION AMENDMENT
16 VOTE REQUIREMENT THAT IS LESS THAN THAT PRESCRIBED BY THIS SUBSECTION.

17 B. FOR ANY MEETING OF THE ASSOCIATION AT WHICH THE UNIT OWNERS ARE
18 VOTING ON A PROPOSED AMENDMENT TO THE CONDOMINIUM DOCUMENTS, THE FOLLOWING
19 APPLY:

20 1. THE ASSOCIATION SHALL DELIVER TO THE UNIT OWNERS, AT LEAST THIRTY
21 BUT NOT MORE THAN SIXTY DAYS BEFORE THE MEETING, WRITTEN NOTICE OF ANY
22 MEETING CALLED FOR THE PURPOSE OF AMENDING THE CONDOMINIUM DOCUMENTS AND THE
23 TEXT OF ANY PROPOSED AMENDMENT.

24 2. ANY AMENDMENT TO THE DECLARATION THAT IS ADOPTED BY THE ASSOCIATION
25 IS EFFECTIVE ON RECORDING.

26 3. DOCUMENTS RELATING TO ANY ADOPTED AMENDMENT SHALL BE KEPT WITH THE
27 OTHER BOOKS AND RECORDS OF THE ASSOCIATION FOR AT LEAST ONE YEAR AFTER
28 RECORDING OF THE AMENDMENT.

29 4. A QUORUM IS PRESENT FOR PURPOSES OF VOTING ON AMENDMENTS TO THE
30 CONDOMINIUM DOCUMENTS IF UNIT OWNERS HOLDING AT LEAST THIRTY PER CENT OF THE
31 VOTES IN THE ASSOCIATION ARE PRESENT IN PERSON OR AS OTHERWISE PERMITTED BY
32 LAW.

1 C. IF AT LEAST TWO-THIRDS OF THOSE PERSONS VOTING ON THE AMENDMENT
2 APPROVE THE AMENDMENT, THE PROPOSED PROVISION OF THE CONDOMINIUM DOCUMENTS IS
3 APPROVED AND SHALL THEREAFTER BE APPLICABLE AS IF ADOPTED BY THE BOARD OF
4 DIRECTORS.

5 D. THIS SECTION DOES NOT APPLY TO THE MODIFICATION OF THE CONDOMINIUM
6 DOCUMENTS THAT DO ANY OF THE FOLLOWING:

7 1. REQUIRE THE EXCLUSIVE USE OF ONE OR MORE BUILDERS, DEVELOPERS OR
8 CONTRACTORS FOR THE CONDOMINIUM AS IDENTIFIED IN THE CONDOMINIUM DOCUMENTS.

9 2. REGULATE THE TRANSITION FROM DECLARANT CONTROL OF THE CONDOMINIUM
10 TO NONDECLARANT OWNER CONTROL, INCLUDING ANY TRANSITION RELATED DOCUMENTS OR
11 REQUIREMENTS.

12 3. CHANGE THE USE OF AND ACCESS TO THE COMMON ELEMENTS OF THE
13 CONDOMINIUM OR OTHER AREAS OVER WHICH THE ASSOCIATION CONTROLS USE OR ACCESS
14 FOR THE GUESTS AND INVITEES OF THE DECLARANT, ITS AFFILIATES, SUCCESSORS OR
15 ASSIGNS OR OF THE UNIT OWNERS AS PROVIDED IN THE CONDOMINIUM DOCUMENTS,
16 INCLUDING USE AND ACCESS FOR BUSINESS OR MARKETING PURPOSES, USE OF AND
17 ACCESS TO EASEMENTS AND COMMON ELEMENTS BY THE DECLARANT, ITS AFFILIATES,
18 SUCCESSORS AND ASSIGNS AND USE OF AND ACCESS TO ANY AREAS OVER WHICH THE
19 ASSOCIATION CONTROLS USE OR ACCESS.

20 4. CHANGE THE USE OF AND ACCESS TO EASEMENTS OR ANY MAINTENANCE
21 OBLIGATIONS OF THE ASSOCIATION FOR THOSE EASEMENTS.

22 5. CHANGE THE USE, OPERATION, MAINTENANCE OR DISPOSITION OF COMMON
23 ELEMENTS IN THE CONDOMINIUM.

24 6. CHANGE THE AMOUNT OR LEVEL OF ASSESSMENTS ON UNITS OWNED BY THE
25 DECLARANT.

26 7. PRESCRIBE A MINIMUM AGE FOR OWNERSHIP OR OCCUPANCY OF THE
27 CONDOMINIUM IN COMPLIANCE WITH FEDERAL AND STATE LAW.

28 8. CHANGE ANY PROCEDURES OR PRACTICES THAT ARE REASONABLY REQUIRED FOR
29 COMPLIANCE WITH FEDERAL, STATE OR LOCAL LAWS OR REGULATORY REQUIREMENTS.

30 9. REQUIRE MEMBERSHIP IN A MASTER ASSOCIATION IN ADDITION TO REQUIRING
31 MEMBERSHIP IN THE CONDOMINIUM ASSOCIATION.

32 10. APPLY NONUNIFORMLY TO SIMILAR UNITS.

1 11. CHANGE THE BASIS FOR ALLOCATING VOTING RIGHTS OR ASSESSMENTS AMONG
2 UNIT OWNERS.

3 12. AMEND THE PLAT OR AMEND THE REQUIREMENTS OF THE PLAT.

4 13. AMEND THE DECLARATION BY EXECUTION OF DOCUMENTS BY ANY OF THE
5 FOLLOWING:

6 (a) THE DECLARANT UNDER SECTION 33-1216.

7 (b) THE ASSOCIATION UNDER SECTION 33-1206 OR SECTION 33-1216,
8 SUBSECTION D.

9 (c) CERTAIN UNIT OWNERS UNDER SECTION 33-1218, SUBSECTION B, SECTION
10 33-1222, SECTION 33-1223 OR SECTION 33-1228, SUBSECTION B.

11 E. THIS SECTION DOES NOT PREVENT OR LIMIT THE BOARD OF DIRECTORS OR
12 ASSOCIATION FROM AMENDING THE CONDOMINIUM DOCUMENTS AS PRESCRIBED IN THE
13 CONDOMINIUM DOCUMENTS."

14 Page 2, line 15, strike "section" insert "sections"; after "33-1817" insert "and
15 33-1818"

16 Line 17, before "NOTWITHSTANDING" insert "AFTER THE PERIOD OF DECLARANT CONTROL
17 AND"

18 Page 2, line 20, after "MODIFIED" strike remainder of line insert "PROVISION OF
19 THE"

20 Line 21, after "COMMUNITY" insert "DOCUMENTS"; after the period insert "THE
21 PROPOSED MEASURE SHALL CONTAIN ONLY ONE PROPOSAL SO THAT THOSE PERSONS VOTING
22 ON THE MEASURE MAY VOTE FOR OR AGAINST EACH MEASURE SEPARATELY."

23 Line 26, strike the period insert "AND"

24 Line 27, strike "BYLAW, RULE OR OTHER MEASURE" insert "PROVISION OF THE
25 COMMUNITY DOCUMENTS"

26 Line 34, strike "BYLAW, RULE OR OTHER MEASURE" insert "PROVISION OF THE
27 COMMUNITY DOCUMENTS"

28 Line 36, strike "SPECIAL ELECTION" insert "MEETING"

29 Page 3, line 1, strike "IN ORDER TO BE VALID" insert "BEFORE CIRCULATING AN
30 INITIATIVE PETITION FOR SIGNATURES, A PROPONENT OF THE MEASURE SHALL SUBMIT A
31 COPY OF THE MEASURE TO THE BOARD OF DIRECTORS OF THE ASSOCIATION. THE BOARD
32 SHALL RESPOND TO THE PROPONENT IN WRITING WITHIN FIFTEEN BUSINESS DAYS AFTER

1 RECEIPT OF THE MEASURE AS TO WHETHER THE BOARD WILL SUBMIT THE MEASURE OF ITS
2 OWN ACCORD TO THE MEMBERS. IF THE BOARD CHOOSES TO SUBMIT THE MEASURE TO THE
3 MEMBERS WITHOUT REQUIRING COMPLIANCE WITH THE PETITION PROCESS IN THIS
4 SECTION, THE MEASURE SHALL BE SUBMITTED WITHIN THE TIME PERIODS PRESCRIBED IN
5 THIS SECTION AND VOTED ON PURSUANT TO SECTION 33-1818. IF THE BOARD DECLINES
6 TO SUBMIT THE MEASURE TO THE MEMBERS WITHOUT REQUIRING COMPLIANCE WITH THE
7 PETITION SUBMITTAL REQUIREMENTS BECAUSE THE MEASURE VIOLATES THE LAW OR
8 CONFLICTS WITH A COMMUNITY DOCUMENT WITH HIGHER LEGAL AUTHORITY THAN THE
9 PROPOSED MEASURE, THE BOARD SHALL STATE THAT REASON IN ITS RESPONSE TO THE
10 PROPONENT.

11 4. UNLESS THE COMMUNITY DOCUMENTS PROVIDE FOR A SMALLER PERCENTAGE OR
12 SMALLER NUMBER THAT IS NO LOWER THAN A MAJORITY OF THOSE ELIGIBLE TO SIGN"

13 Renumber to conform

14 Line 2, strike "TEN" insert "TWENTY"; after "ASSOCIATION" insert "BUT NO FEWER
15 THAN FIVE MEMBERS"

16 Page 3, line 4, after the period insert "NEITHER THE BOARD OF DIRECTORS NOR THE
17 MEMBERS OF THE PLANNED COMMUNITY MAY ADOPT AN INITIATIVE SIGNATURE
18 REQUIREMENT THAT IS GREATER THAN THAT PRESCRIBED BY THIS PARAGRAPH."

19 Line 5, after "PETITIONERS" insert "SHALL CIRCULATE THE PETITION FOR SIGNATURES
20 AND ON COMPLETION OF SIGNATURE GATHERING"

21 Line 6, strike "SIX"

22 Line 7, strike "MONTHS" insert "ONE HUNDRED TWENTY DAYS"; strike "EARLIEST
23 SIGNATURE ON THAT PETITION" insert "WRITTEN NOTIFICATION FROM THE BOARD TO
24 THE PROPONENT"

25 Line 9, after the second "BOARD" insert "WITHIN THIRTY DAYS AFTER RECEIPT OF THE
26 SIGNED PETITIONS"

27 Line 11, strike "SHALL" insert "MAY"; after "MEETING" insert "OF THE BOARD"

28 Line 20, strike "REGULARLY"

29 Strike lines 21 and 22, insert "ANNUAL MEETING OF THE MEMBERS OF THE ASSOCIATION
30 IF THE ANNUAL MEETING MAY BE SCHEDULED AND HELD LAWFULLY NO EARLIER THAN
31 SEVENTY-FIVE DAYS AFTER THE DATE THE SIGNATURES ARE VALIDATED AND NO LATER
32 THAN ONE HUNDRED TWENTY DAYS AFTER THE DATE THE SIGNATURES ARE VALIDATED. IF

1 THE ANNUAL MEETING CANNOT BE SCHEDULED AND HELD LAWFULLY WITHIN THAT TIME
2 LIMIT, THE BOARD SHALL SCHEDULE AND HOLD A SPECIAL MEETING OF THE MEMBERS
3 WITHIN THAT TIME LIMIT TO VOTE ON THE MEASURE UNLESS OTHERWISE AGREED TO BY
4 THE PROPONENT AND THE BOARD. THIS SECTION DOES NOT REQUIRE THE BOARD TO
5 SUBMIT A PETITION TO THE MEMBERS THAT IS IN VIOLATION OF THE LAW OR THAT IS
6 IN CONFLICT WITH A COMMUNITY DOCUMENT WITH HIGHER AUTHORITY."

7 Strike lines 26, 27 and 28, insert:

8 "33-1818. Amendments to community documents: quorum: limitations

9 A. AFTER THE PERIOD OF DECLARANT CONTROL AND NOTWITHSTANDING ANY
10 PROVISION IN THE COMMUNITY DOCUMENTS, THE MEMBERS OF A PLANNED COMMUNITY MAY
11 AMEND THE COMMUNITY DOCUMENTS BY A VOTE OF AT LEAST TWO-THIRDS OF THOSE
12 VOTING ON THE MEASURE, EXCEPT THAT IF THE COMMUNITY DOCUMENTS PROVIDE FOR A
13 SMALLER PERCENTAGE THAT IS AT LEAST FIFTY PER CENT OF THOSE VOTING, THE
14 SMALLER PERCENTAGE APPLIES. FOR ANY PLANNED COMMUNITY WITH A DECLARATION
15 AMENDMENT REQUIREMENT OF MORE THAN A TWO-THIRDS VOTE, THE PLANNED COMMUNITY
16 BY A VOTE OF THE MEMBERSHIP OR OTHERWISE MAY NOT SUBSEQUENTLY ADOPT A
17 DECLARATION AMENDMENT VOTE REQUIREMENT THAT IS LESS THAN THAT PRESCRIBED BY
18 THIS SUBSECTION.

19 B. FOR ANY MEETING OF THE ASSOCIATION AT WHICH THE MEMBERS ARE VOTING
20 ON A PROPOSED AMENDMENT TO THE COMMUNITY DOCUMENTS, THE FOLLOWING APPLY:

21 1. THE ASSOCIATION SHALL DELIVER TO THE MEMBERS OF THE ASSOCIATION, AT
22 LEAST THIRTY BUT NOT MORE THAN SIXTY DAYS BEFORE THE MEETING, WRITTEN NOTICE
23 OF ANY MEETING CALLED FOR THE PURPOSE OF AMENDING THE COMMUNITY DOCUMENTS AND
24 THE TEXT OF ANY PROPOSED AMENDMENT.

25 2. ANY AMENDMENT TO THE DECLARATION THAT IS ADOPTED BY THE ASSOCIATION
26 IS EFFECTIVE ON RECORDING.

27 3. DOCUMENTS RELATING TO ANY ADOPTED AMENDMENT SHALL BE KEPT WITH THE
28 OTHER BOOKS AND RECORDS OF THE ASSOCIATION FOR AT LEAST ONE YEAR AFTER
29 RECORDING OF THE AMENDMENT.

30 4. UNLESS THE DECLARATION SPECIFIES A SMALLER PERCENTAGE, A QUORUM IS
31 PRESENT FOR PURPOSES OF VOTING ON AMENDMENTS TO THE COMMUNITY DOCUMENTS IF

1 MEMBERS HOLDING AT LEAST THIRTY PER CENT OF THE VOTES IN THE ASSOCIATION ARE
2 PRESENT IN PERSON OR AS OTHERWISE PERMITTED BY LAW.

3 C. IF AT LEAST TWO-THIRDS OF THOSE PERSONS VOTING ON THE AMENDMENT
4 APPROVE THE AMENDMENT, THE PROPOSED PROVISION OF THE COMMUNITY DOCUMENTS IS
5 APPROVED AND SHALL THEREAFTER BE APPLICABLE AS IF ADOPTED BY THE BOARD OF
6 DIRECTORS.

7 D. THIS SECTION DOES NOT APPLY TO THE MODIFICATION OF THE COMMUNITY
8 DOCUMENTS THAT DO ANY OF THE FOLLOWING:

9 1. REQUIRE THE EXCLUSIVE USE OF ONE OR MORE BUILDERS, DEVELOPERS OR
10 CONTRACTORS FOR THE PLANNED COMMUNITY AS IDENTIFIED IN THE COMMUNITY
11 DOCUMENTS.

12 2. REGULATE THE TRANSITION FROM DECLARANT CONTROL OF THE PLANNED
13 COMMUNITY TO NONDECLARANT OWNER CONTROL, INCLUDING ANY TRANSITION RELATED
14 DOCUMENTS OR REQUIREMENTS.

15 3. CHANGE THE USE OF AND ACCESS TO THE COMMON AREAS OF THE PLANNED
16 COMMUNITY AND ANY PROPERTY NOT OWNED BY THE ASSOCIATION FOR THE GUESTS AND
17 INVITEES OF THE DECLARANT, ITS AFFILIATES, SUCCESSORS AND ASSIGNS OR OF THE
18 MEMBERS AS PROVIDED IN THE COMMUNITY DOCUMENTS, INCLUDING USE AND ACCESS FOR
19 BUSINESS OR MARKETING PURPOSES, USE OF AND ACCESS TO EASEMENTS AND COMMON
20 AREAS BY THE DECLARANT, ITS AFFILIATES, SUCCESSORS AND ASSIGNS AND USE OF AND
21 ACCESS TO ANY PROPERTY NOT OWNED BY THE ASSOCIATION.

22 4. CHANGE THE USE OF AND ACCESS TO EASEMENTS OR ANY MAINTENANCE
23 OBLIGATIONS OF THE ASSOCIATION FOR THOSE EASEMENTS.

24 5. CHANGE THE USE, OPERATION, MAINTENANCE, DISPOSITION OF OR
25 REQUIREMENT TO TAKE POSSESSION OF COMMON AREAS IN THE PLANNED COMMUNITY.

26 6. CHANGE THE AMOUNT OR LEVEL OF ASSESSMENTS ON LOTS OWNED BY THE
27 DECLARANT.

28 7. PRESCRIBE A MINIMUM AGE FOR OWNERSHIP OR OCCUPANCY OF THE PLANNED
29 COMMUNITY IN COMPLIANCE WITH FEDERAL AND STATE LAW.

30 8. CHANGE ANY PROCEDURES OR PRACTICES THAT ARE REASONABLY REQUIRED FOR
31 COMPLIANCE WITH FEDERAL, STATE OR LOCAL LAWS OR REGULATORY REQUIREMENTS.

1 9. REQUIRE MEMBERSHIP IN A MASTER ASSOCIATION IN ADDITION TO REQUIRING
2 MEMBERSHIP IN THE PLANNED COMMUNITY ASSOCIATION.

3 10. APPLY NONUNIFORMLY TO SIMILAR LOTS.

4 11. CHANGE THE BASIS FOR ALLOCATING VOTING RIGHTS OR ASSESSMENTS AMONG
5 MEMBERS.

6 12. AMEND THE PLAT OR AMEND THE REQUIREMENTS OF THE PLAT.

7 13. CHANGE ANY CONTRACT, OTHER THAN THE COMMUNITY DOCUMENTS, THAT
8 EXTENDS BEYOND THE PERIOD OF DECLARANT CONTROL UNLESS THE CONTRACT WAS NOT
9 BONA FIDE OR WAS UNCONSCIONABLE TO THE MEMBERS AT THE TIME ENTERED INTO UNDER
10 THE CIRCUMSTANCES THEN PREVAILING.

11 E. THIS SECTION DOES NOT PREVENT OR LIMIT THE BOARD OF DIRECTORS OR THE
12 ASSOCIATION FROM AMENDING THE COMMUNITY DOCUMENTS AS PRESCRIBED IN THE
13 COMMUNITY DOCUMENTS.”

14 Amend title to conform

CLOVES C. CAMPBELL, JR.

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03/25/2008
3:50 AM
C: myr